



ZONING ADMINISTRATOR
NOTICE OF DECISION

Date: March 17, 2017
Applicant: Una Hynam/Paul Hynam
Case No.: CUP16-0034
Address: 777 Energy Way, Chula Vista, CA 91911 (APN: 644-181-23)
Project Planner: Miguel Z. Tapia, Senior Planner

Notice is hereby given that on March 17, 2017, the Zoning Administrator considered Conditional Use Permit (CUP) application CUP16-0034, filed by Una Hynam/Paul Hynam ("Applicant"). The Applicant requests approval for an extension of the existing CUP for the continued operation of an automotive dismantling, auto parts sales and recycling facility ("Project") at 777 Energy Way ("Site"). The Site has a General Plan land use designation of Limited Industrial and Zoning designations of Industrial with a Precise Plan overlay.

The Project Site is located on the Energy Way extension in the Otay Valley area. The operation of auto recycling and dismantling facilities is permitted subject to approval of a Conditional Use Permit. The Application plans include the provision of landscaping, parking and access and circulation within the front of the property. The existing auto dismantling facility, as well as the rest of the dismantling facilities in the Energy Way area, has been operating since the 1970's through the issuance of temporary conditional use permits. The subject facility has a Conditional Use Permit that expired in 2008. The City has extended the CUP's to the year 2020. The subject Owner is requesting an extension of his permit for the continuance of his operation. The Project, as proposed on the approved plans, is consistent with the regulations and standards of the IP zone and the Chula Vista Municipal Code.

The Development Services Director has reviewed the proposed Project for compliance with the California Environmental Quality Act and has determined that the Project qualifies for a Class 1, Section 15301 (Existing Facilities) of the State CEQA Guidelines. Thus, no further environmental review is required.

The Zoning Administrator hereby approves said request based upon the following Conditional Use Permit findings as required by Chula Vista Municipal Code Section 19.14.080:

- 1. That the proposed use at this location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or community.**

The proposed use at the particular location is necessary and desirable to provide a service or facility which contributes to the general well-being of the neighborhood and the community in that the recycling of vehicles results in cost savings in recycled parts, energy conservation, parts

availability, reduction in abandoned vehicles and land filling, raw material supply, and reduced insurance rates via reducing costs of repair and providing a market for totaled vehicles.

- 2. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.**

The use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity because the land use is part of a larger complex of auto wrecking facilities, auto auctioneers, contractor's yard, construction material recycling, and a landfill. The use is considered an interim use and is regulated for safety and health concerns via local and state agencies. In addition, conditions of this permit require adequate off-street parking, landscaping, and screening of potential visual effects.

- 3. That the use will comply with the regulations and conditions specified in the code for such use.**

The proposed use will comply with the regulations and conditions specified in the Municipal Code for such use in that the use is a conditionally permitted use by the Zoning Ordinance, and conditions have been attached that will make the use comply with the regulations of the Zoning Ordinance. The conditions of this permit are in proportion to the nature and extent of the impact created by the use in that the conditions are directly related to, and of a nature and scope related to the size and impact of the Project. The Project complies with all regulations and conditions specified in the Chula Vista Municipal Code as established under Conditional Use Permit CUP16-0034.

- 4. That the granting of the Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any governmental agency.**

The granting of the Conditional Use Permit extension will not adversely affect the General Plan of the City of Chula Vista or the adopted plan of any governmental Agency since the General Plan land use designation is "Industrial" and the Zoning Ordinance identifies auto dismantling and recycling as a conditional use. The granting of this Conditional Use Permit is conditioned to require the Applicant and Property Owner to fulfill the conditions of approval and to comply with all applicable regulations and standards specified in the Municipal Code, the California Building Code, Fire Code and other applicable codes for such use. As indicated previously, the Project Site has a zoning designation of Industrial with Precise Plan Overlay and General Plan designation of Industrial. The proposed Project is classified as an industrial use. The operation of the auto recycling facility is consistent with the Zoning Ordinance and the General Plan. Thus, the granting of this Conditional Use Permit extension will not adversely affect the General Plan of the City or the adopted plan of any government agency.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit CUP16-0034 as described above, subject to the following conditions of approval:

I. Prior to the approval by the City of Chula Vista for the use of the subject property in reliance upon this approval, the Applicant shall satisfy the following requirement:

Planning Division Conditions:

1. Prior to the approval by the City of Chula Vista for the use of the subject property in reliance on this approval, the Applicant/Representative and Property Owner shall execute this document by making a true copy of this letter of conditional approval and signing both this original Notice of Decision and the copy on the lines provided below, said execution indicating that the Applicant/Representative and Property Owner have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 Days of the effective date herein shall indicate the Applicant/Representative and Property Owner's desire that the Project, and corresponding application for building/grading permits and/or business license, be held in abeyance without approval.

Signature of Applicant/Authorized Representative

Date

Signature of Property Owner

Date

2. The Project shall be built and maintained in accordance with design plans, which include the site plan, floor plan, elevations, and concept landscape plan, and approved by the Zoning Administrator on March 17, 2017, subject to the conditions contained herein, and the Zoning Ordinance (Title 19).
3. All buildings within the site shall comply with the California Building and Fire Codes. Applicant shall submit plans for building permits for any buildings that are not currently permitted or do not comply with the California Building Codes. Failure to obtain building permits for un-permitted buildings or buildings that do not comply with building and fire Codes shall be grounds for revocation or modifications of this Conditional Use Permit.
4. The Applicant shall submit and obtain approval of detailed Landscape Improvement Plans in accordance with the City Landscape Manual, and the Water Conservation Ordinance. Landscape Plans shall be prepared by a registered Landscape Architect and shall be consistent with the approved Concept Landscape Plan.

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5. Any proposed signage for each of the businesses will require separate review and approval.
6. The Applicant shall ensure that the Project operates in compliance with the Performance Standards, CVMC Chapters 19.66 and Performance Standards and Noise Control, Chapter 19.68.
7. This Conditional Use Permit authorizes only the improvements specified in the Project description for CUP16-0034. Any new improvements, modification/expansion of improvements or other activities not authorized under this Conditional Use Permit shall be subject to the review and approval of the Zoning Administrator.
8. Approval of this Project shall not waive compliance with all sections of Title 19 of the Municipal Code, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Conditional Use Permit.
9. The Applicant shall submit the required application, plans and fees for building permits, to the satisfaction of the City Building Official.
10. The Applicant shall comply with all applicable codes and requirements, including but not limited to the 2013 California Building Code (CBC) and CA. Handicapped Accessibility requirements, 2013 California Electrical Code, 2013 Fire Code.

II. The following on-going conditions shall apply to the Project as long as it relies upon this approval.

11. The Applicant shall maintain the Project in accordance with the approved plans for CUP15-0034, dated March 17, 2017, which includes a site plan and landscape plans, elevations, and conceptual landscape plan on file in the Planning Division, the conditions contained herein, and Title 19.
12. Approval of this Project shall not waive the Applicant's responsibility to comply with all sections of Title 19 of the CVMC, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Design Review Permit and Conditional Use Permit.
13. Approval of this Conditional Use Permit shall be for a period of three years, with an expiration date of March 17, 2020. The Applicant may request an extension of time from the Zoning Administrator prior to the expiration date.
14. The Applicant/Representative and Property Owner shall and does hereby agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Conditional Use Permit, (b) City's approval or issuance of any other permit or action, whether

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discretionary or non-discretionary, in connection with the use contemplated herein, and Applicant/operator shall acknowledge their agreement to this provision by executing a copy of this Conditional Use Permit where indicated above. The Applicant/Representative and Property Owner's compliance with this provision is an express condition of this Conditional Use Permit and shall be binding on any and all of Applicant/Operator's successors and assigns.

15. Any violations of the terms and conditions may result in the imposition of civil or criminal penalties and/or the revocation or modification of this permit.
16. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. Applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, this 17th day of March 2017.



Michael W. Walker
Zoning Administrator